

## Remarks

Applicants appreciate the withdrawal of the 112, second paragraph, rejections.

Applicants hereby add new claims 45-46 which are supported at least by the teachings of Fig.1 and the associated teachings of the specification.

Claims 1-5, 13-15, 17-36 and 38-44 stand rejected under 35 USC 102 for anticipation by U.S. Patent No. 6,384,918 B1 to Hubble, III et al. Claims 6-8 and 16 stand rejected under 35 USC 103(a) for obviousness over Hubble, III in view of U.S. Patent No. 4,986,665 to Yamanishi et al. Claims 9-11 and 37 stand rejected under 35 USC 103(a) for obviousness over Hubble, III. Claims 12 and 16 stand rejected under 35 USC 103(a) for obviousness over Hubble, III in view of Yamanishi.

Applicants respectfully request reconsideration of the rejections.

Referring to independent claim 1, the Office relies upon the teachings of col. 12, lines 12-16 and line 64+ of Hubble as allegedly teaching the claimed selecting. Col. 12, lines 12-16 of Hubble teach printing one or more test sheets 30 which fail to teach or suggest any teachings regarding an *illumination source* let alone *selecting one of a plurality of different illumination sources* as positively claimed.

Furthermore, the teachings at col. 12, lines 64+ of Hubble merely teach that a target is a test patch 31 and that illumination by different sources provides different levels of light reflected from the target. These teachings of col. 12 are void of teaching or suggesting any selection let alone the specifically claimed *selecting, based on the color, one of a plurality of different illumination sources appropriate to determine optical density of the color on the area* as positively claimed.

Applicants respectfully submit that positively-recited limitations of claim 1 are not disclosed nor suggested by the prior art.

Furthermore, the various teachings of col. 17 relied upon by the Office on pages 4-5 of the Action fail to disclose or suggest any teachings regarding *optical density* let alone the claimed *converting the received radiation to a signal indicative of optical density of the color on the area* as specifically claimed.

Applicants respectfully submit that positively-recited limitations of claim 1 are not disclosed nor suggested by the prior art.

Applicants respectfully request withdrawal of the 102 rejection for at least the above-mentioned numerous reasons.

The claims which depend from claim 1 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to independent claim 9, the Office has failed to establish a proper prima facie 103 rejection inasmuch as positively-recited limitations of the claims are not taught by the prior art. In particular, the teachings at col. 12, lines 67+ fail to disclose or suggest any selection let alone the recited *based on the color, automatically selecting one of a plurality of different illumination sources in a densitometer* as specifically claimed. Furthermore, the teachings at col. 12 of Hubble fail to disclose or suggest a densitometer.

Applicants respectfully submit that positively-recited limitations of claim 9 are not disclosed nor suggested by the prior art and the Office has failed to establish a proper 103 rejection for at least this reason.

Still referring to claim 9, the teachings relied upon by the Office on page 20 of the Action fail to refer to optical density and fail to teach or suggest the claimed *receiving a signal indicative of optical density in the area from the densitometer after the selecting* as positively claimed.

Applicants respectfully submit that positively-recited limitations of claim 9 are not disclosed nor suggested by the prior art and the Office has failed to establish a proper 103 rejection for at least this reason.

Applicants respectfully request withdrawal of the 103 rejection of claim 9 for at least the above-mentioned numerous reasons.

The claims which depend from claim 9 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to independent claim 13, the generic teachings of a control system of col. 10, lines 46+ and the generic teachings of processing of col. 4, lines 14+ of Hubble relied upon by the Office fail to teach or suggest the claimed limitations of the *processor coupled to the sensor for converting the received radiation to a*

*standardized signal indicative of standardized optical density.* Applicants have electronically searched Hubble and failed to uncover any reference to a standardized signal let alone the specifically claimed *standardized signal indicative of standardized optical density*.

Applicants respectfully submit that positively-recited limitations of claim 13 are not disclosed nor suggested by the prior art and the rejection is improper for at least this reason.

Applicants also respectfully traverse any reliance upon judicial notice in support of the rejection of the claims. In particular, MPEP 2144.03A (8<sup>th</sup> ed., rev. 6) provides that *official notice unsupported by documentary evidence should only be taken by the examiner when the facts asserted to be well known or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well known*. It is **not appropriate** for the Office to take official notice of facts without a reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. In addition, claims are analyzed in the context of the combination of the various separately stated limitations of the claimed invention as a whole, and not with respect to the limitations individually.

MPEP 2144.03A (8th ed., rev. 6) provides that *official notice is proper when the facts are capable of instant and unquestionable demonstration as to defy dispute*. MPEP 2144.03A gives examples of limitations which are considered well known, such as when new audio information is recorded then the old information is erased, or when a heat requirement is varied it is well known to vary a flame. The MPEP states that Official Notice is proper when the *teachings are readily verifiable* (e.g., use of a control in bacteriology). MPEP 2144.03B (8th ed., rev. 6). MPEP 2144.03A and 2144.04E make clear that *Official Notice is proper with respect to facts which are of notorious character and serve only to fill in the gaps in an insubstantial manner*. Appellants respectfully assert that the combination of limitations of claim 13 including the processor coupled to the sensor for converting the received radiation to a standardized signal indicative of standardized optical density has not been demonstrated to be well known in combination with the other claimed limitations. The specifically claimed processor is not notorious and is not insubstantial and the reliance upon judicial notice is improper and traversed.

Applicants respectfully submit that positively-recited limitations of claim 13 are not disclosed nor suggested by the prior art.

Applicants respectfully request withdrawal of the 102 rejection for at least the above-mentioned numerous reasons.

The claims which depend from claim 13 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to independent claim 25, the Office relies upon the teachings of cols. 11-14 of Hubble in support of the rejection and as allegedly teaching the claimed densitometer. These teachings are void of disclosing or suggesting any teachings with respect to *optical density* or *standardized optical density*, let alone the claimed *densitometer generating a standardized signal indicative of standardized optical density of the area responsive to the illumination*.

Applicants respectfully submit that positively-recited limitations of claim 25 are not disclosed nor suggested by the prior art. Applicants respectfully request withdrawal of the 102 rejection for at least the above-mentioned numerous reasons.

The claims which depend from claim 25 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

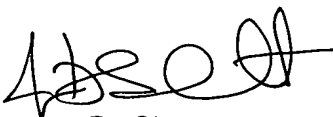
Applicants submit an Information Disclosure Statement herewith.

Applicant respectfully requests allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,  
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By



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Date: 2/1/08

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PDNO. 200208926-1  
Serial No. 10/658,939  
Amendment B